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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. **2013-P32**

13 **NICQUELINE JO RIFFLE**
14 **1570 Woodsman Drive, Apt. 17**
15 **Dayton, OH 45432**

A C C U S A T I O N

16 **Registered Nurse License No. 623786**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 11, 2003, the Board of Registered Nursing issued Registered
24 Nurse License Number 623786 to Nicqueline Jo Riffle (Respondent). The Registered Nurse
25 License expired on September 30, 2005, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
3 that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides that the expiration of a license shall not deprive
7 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
8 render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
9 Board may renew an expired license at any time within eight years after the expiration.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states: "the board may take disciplinary action against a
12 certified or licensed nurse or deny an application for a certificate or license for any of the
13 following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action."

21 REGULATORY PROVISIONS

22 7. California Code of Regulations, title 16, section 1419.3(b), states that "a licensee may
23 renew a license that has been expired for more than eight years by paying the renewal and penalty
24 fees specified in Section 1417 and providing evidence that he or she holds a current valid active
25 and clear registered nurse license in another state, a United States territory, or Canada, or by
26 passing the Board's current examination for licensure."

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1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct - Out of State Discipline)
10 (Bus. & Prof. Section 2761, subd. (a)(4))

11 9. Respondent's license to practice as a registered nurse in California is subject to
12 disciplinary action for unprofessional conduct under Code section 2761, subdivision (a)(4), in that
13 the Ohio Board of Nursing (Ohio Board) imposed discipline against Respondent's Ohio nursing
14 license for reasons substantially related to the practice of nursing. The circumstances are as
15 follows:

16 10. On or about February 25, 2004, Respondent willingly entered into an agreement
17 entitled *Consent Agreement between Nicqueline J. Riffle, RN, and the Ohio Board of Nursing*,
18 thereby staying an indefinite suspension of her Ohio nursing license and subjecting that license to
19 terms, conditions and limitations, including but not limited to completely abstaining from the use
20 of alcohol and submitting at her expense and on selected days to blood or urine specimens for
21 drug and/or alcohol analysis. The Consent Agreement was ratified on March 19, 2004. The
22 discipline was based on Respondent's unprofessional conduct as follows:

23 a. On or about July 2, 2002, Respondent was scheduled to work as a registered nurse for
24 Dayton Heart Hospital (Hospital) starting at 7:00 p.m. Respondent arrived for duty at 10:30 p.m.
25 with bloodshot eyes, flushed face and smelling of alcohol. Respondent admitted to her supervisor
26 that she had consumed alcohol prior to her shift.

27 b. Respondent's employment with the Hospital was terminated for repeated
28 absenteeism.

11. On or about May 20, 2005, in the case entitled *In the Matter of: Nicqueline Riffle, R.N., Order 1163, Case No. 04-1898*, the Ohio Board found that Respondent committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, and ordered that

Respondent's license be suspended for an indefinite period of time but no less than 3 years and with conditions for reinstatement. The discipline was based on Respondent's failure to comply with the terms and conditions of the Consent Agreement as set forth in paragraph 10, above.

PRAYER

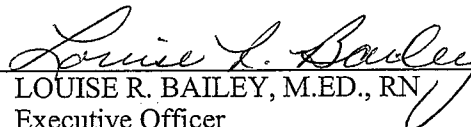
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 623786, issued to Nicqueline Jo Riffle;

2. Ordering Nicqueline Jo Riffle to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: March 27, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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